

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBIN NIXON,)
Plaintiff)
)
v.) CIVIL ACTION NO. 05-101 ERIE
)
NORFOLK SOUTHERN CORPORATION)
and NORFOLK SOUTHERN RAILWAY)
COMPANY, INC.,)
Defendants) ELECTRONICALLY FILED

AFFIDAVIT OF GARY E. NELSON

STATE OF GEORGIA)
) ss:
COUNTY OF FULTON)

Gary E. Nelson, being duly sworn according to law, deposes and says:

1. I am the Manager Car Administration of Norfolk Southern Railway Company and have an office address of Norfolk Southern Railway Company, Mechanical Department, 1200 Peachtree Street, N.E., Box 184, Atlanta, Georgia 30309.

2. As Manager Car Administration, I am the custodian of drawings that contain dimensions and other data with respect to certain Norfolk Southern rail cars, including coal cars, utilized by Norfolk Southern Railway Company to make up its trains.

3. Based on my review of the train consist of Norfolk Southern Train Y47-L2-26 that was involved in the April 27, 1997 accident in the City of Erie, Pennsylvania, I have

attached copies of 13 coal car diagrams (Norfolk Southern Car Class H11R, H11AR, H11BR, H11CR, H11DR, H11ER, H49, H50, H62R, G85R, G86R, G91R and G98R) that represent the types of coal cars that made up the subject train. A copy of the train consist for Norfolk Southern Train Y47-L2-26 is attached hereto as Exhibit A, and copies of the 13 coal car diagrams are attached hereto as Exhibit B.

4. These coal cars range from 9 feet, 7-1/8 inches to 9 feet, 7-7/8 inches in width between the outer edges of the sill steps of the cars without consideration of the additional width if the ladders or hand holds that extend out from the sides of the cars are considered. The width of each of these coal cars exceeds the length of the standard ties utilized by Norfolk Southern Railway Company that measure 8 feet, 6 inches from end of tie to end of tie.

s/ Gary E. Nelson
Gary E. Nelson

Sworn to and subscribed before me
this 25th day of June, 2007.

s/ Gregory B. Jucha
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2007, the foregoing Affidavit of Gary E. Nelson was filed electronically with the Clerk of Court using the Electronic Case Filing system. Notice of this filing will be sent to all parties by operation of the Court's ECF system and constitutes service of this filing under Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

s/ Roger H. Taft
Roger H. Taft, Esq.

THIS TRAIN CONTAINS THE FOLLOWING "KEY-TRAIN" HAZARDOUS MATERIALS LOADS:

	IN TRAIN	SET-OUT/PICK-UP
* POISON INHALATION HAZARD (HZ A OR B)	0 (PIH)	-----
* DIVISION 1.1 OR 1.2 (EXPLOSIVES A)	0 (XA)	-----
* DIVISION 2.1 (FLAMMABLE GAS)	0 (FG)	-----
* ENVIRONMENTALLY SENSITIVE CHEMICALS	0 (ESC)	-----
TOTAL: 0		-----

L2 OUT BELLEVUE OH 00248 0345A

L2 IN CONNEAUT OH 00116 0825A

CAR HANDLING REPORT FOR TRAIN Y47-L2-26 DIRECTION: OUT PAGE 01 OF
DEPARTED BELLEVUE OH 04/27/97 06:25 AM PRINTED 04/27/97 09:01 AM

CONDUCTOR: ON DUTY: OFF DUTY:

153 CARS = 153 LDS 000 MTYS 19,376 TONS 7,818 FEET **CARS SET OUT**

LNE INIT NUMBER CMDTY TON CLASS HAND CONSIGNE DEST/OFFJCT TIME TRACK LINE

000 NS E08669 E 000	-----	-----	-----
000 NS E06620 E 000	-----	-----	-----
000 NS E08594 E 000	-----	-----	-----
001 NW 116047 BCOAL 123 BUFFSB	TONCOKE	BUFFALO NY	-----
002 NW 008819 BCOAL 122 BUFFSB	TONCOKE	BUFFALO NY	-----
003 NS 324998 BCOAL 124 BUFFSB	TONCOKE	BUFFALO NY	-----
004 NW 005353 BCOAL 123 BUFFSB	TONCOKE	BUFFALO NY	-----
005 NW 166203 BCOAL 124 BUFFSB	TONCOKE	BUFFALO NY	-----
006 NW 009156 BCOAL 122 BUFFSB	TONCOKE	BUFFALO NY	-----
007 NW 006792 BCOAL 123 BUFFSB	TONCOKE	BUFFALO NY	-----
008 NS 307337 BCOAL 124 BUFFSB	TONCOKE	BUFFALO NY	-----
009 NW 145002 BCOAL 125 BUFFSB	TONCOKE	BUFFALO NY	-----
010 NW 144274 BCOAL 127 BUFFSB	TONCOKE	BUFFALO NY	-----
011 NW 011565 BCOAL 125 BUFFSB	TONCOKE	BUFFALO NY	-----
012 NS 320433 BCOAL 125 BUFFSB	TONCOKE	BUFFALO NY	-----
013 NS 366001 BCOAL 127 BUFFSB	TONCOKE	BUFFALO NY	-----
014 NS 307892 BCOAL 128 BUFFSB	TONCOKE	BUFFALO NY	-----
015 NW 013625 BCOAL 126 BUFFSB	TONCOKE	BUFFALO NY	-----
016 NW 120225 BCOAL 127 BUFFSB	TONCOKE	BUFFALO NY	-----
017 NW 003216 BCOAL 126 BUFFSB	TONCOKE	BUFFALO NY	-----
018 NS 317496 BCOAL 129 BUFFSB	TONCOKE	BUFFALO NY	-----
019 SOU 360495 BCOAL 124 BUFFSB	TONCOKE	BUFFALO NY	-----

020	NS	334161	BCOAL	126	BUFFSB	TONCOKE	BUFFALO	NY
021	SOU	360502	BCOAL	105	BUFFSB	TONCOKE	NORTHERN AL	Case 1:05-cv-00101-MBC Document 32 Filed 06/26/2007 Page 5 of 22
022	NW	012524	BCOAL	126	BUFFSB	TONCOKE	BUFFALO	NY
023	NS	337088	BCOAL	127	BUFFSB	TONCOKE	BUFFALO	NY
024	NS	316903	BCOAL	130	BUFFSB	TONCOKE	BUFFALO	NY
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026	NW	003315	BCOAL	125	BUFFSB	TONCOKE	BUFFALO	NY
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032	NS	022842	BCOAL	139	BUFFSB	TONCOKE	BUFFALO	NY
033	NS	032443	BCOAL	132	BUFFSB	TONCOKE	BUFFALO	NY
034	NS	028412	BCOAL	135	BUFFSB	TONCOKE	BUFFALO	NY
035	NS	028672	BCOAL	135	BUFFSB	TONCOKE	BUFFALO	NY
036	NW	145486	BCOAL	130	BUFFSB	TONCOKE	BUFFALO	NY
037	NW	005027	BCOAL	128	BUFFSB	TONCOKE	BUFFALO	NY
038	NW	003105	BCOAL	129	BUFFSB	TONCOKE	BUFFALO	NY
039	SOU	360509	BCOAL	131	BUFFSB	TONCOKE	BUFFALO	NY
040	NW	013913	L	130	BUFFSB	BETSTEEL	BUFFALO	NY
041	NS	312579	BCOAL	123	BUFFSB	TONCOKE	BUFFALO	NY
042	NW	119286	BCOAL	125	BUFFSB	TONCOKE	BUFFALO	NY
043	NW	006675	BCOAL	123	BUFFSB	TONCOKE	BUFFALO	NY
044	SOU	077798	BCOAL	128	BUFFSB	TONCOKE	BUFFALO	NY
			RESTRICTED TO EMPTY MOVE ONLY.					IF LOAD CALL MECH TO INSPECT.
045	NW	146059	BCOAL	128	BUFFSB	TONCOKE	BUFFALO	NY
046	NW	009148	BCOAL	123	BUFFSB	TONCOKE	BUFFALO	NY
047	SOU	360612	BCOAL	127	BUFFSB	TONCOKE	BUFFALO	NY
048	NW	005483	BCOAL	127	BUFFSB	TONCOKE	BUFFALO	NY
049	NW	006702	BCOAL	126	BUFFSB	TONCOKE	BUFFALO	NY
050	NW	093706	BCOAL	125	BUFFSB	TONCOKE	BUFFALO	NY
051	NW	119039	BCOAL	126	BUFFSB	TONCOKE	BUFFALO	NY

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054	SOU	360056	BCOAL	127	BUFFSB	TONCOKE	BUFFALO	NY
055	SOU	351588	BCOAL	133	BUFFSB	TONCOKE	BUFFALO	NY
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084	NW	009993	BCOAL	125	BUFFSB	BETSTEEL	BUFFALO	NY

086 NW	005391 BCOAL 124 BUFFSB	BETSTEEL BUFFALO NY
087 NS	320509 BCOAL 125 BUFFSB	BETSTEEL BUFFALO NY
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133 NS	307775 BCOAL 129 BUFFSB	BETSTEEL BUFFALO NY
134 NW	134240 BCOAL 127 BUFFSB	BETSTEEL BUFFALO NY
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136 NS	319846 BCOAL 126 BUFFSB	BETSTEEL BUFFALO NY
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139 NW	013862 BCOAL 126 BUFFSB	BETSTEEL BUFFALO NY
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144 NS	031847 L 129 BUFFSB	ADMIRE LAMBERTS VA
145 NS	039253 BCOAL 133 BUFFSB	BETSTEEL BUFFALO NY
146 NS	026642 BCOAL 127 BUFFSB	BETSTEEL BUFFALO NY
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148 NS	021396 BCOAL 134 BUFFSB	BETSTEEL BUFFALO NY
149 NS	030984 BCOAL 128 BUFFSB	BETSTEEL BUFFALO NY
150 NS	026911 BCOAL 128 BUFFSB	BETSTEEL BUFFALO NY

153 NS 023396 BCOAL 136 BUFFCO FDCCCBIL LAMBERTP VA

	LOADS	EMPTIES	NET TONS	LT WT	GROSS TONS	LENGTH
TRAIN TOTALS:	153	000	14769	04607	19376	07818
AHEAD RADIO:	000	000	00000	00000	00000	00000
TOTALS DO NOT INCLUDE UNITS AND/OR CABOOSES						

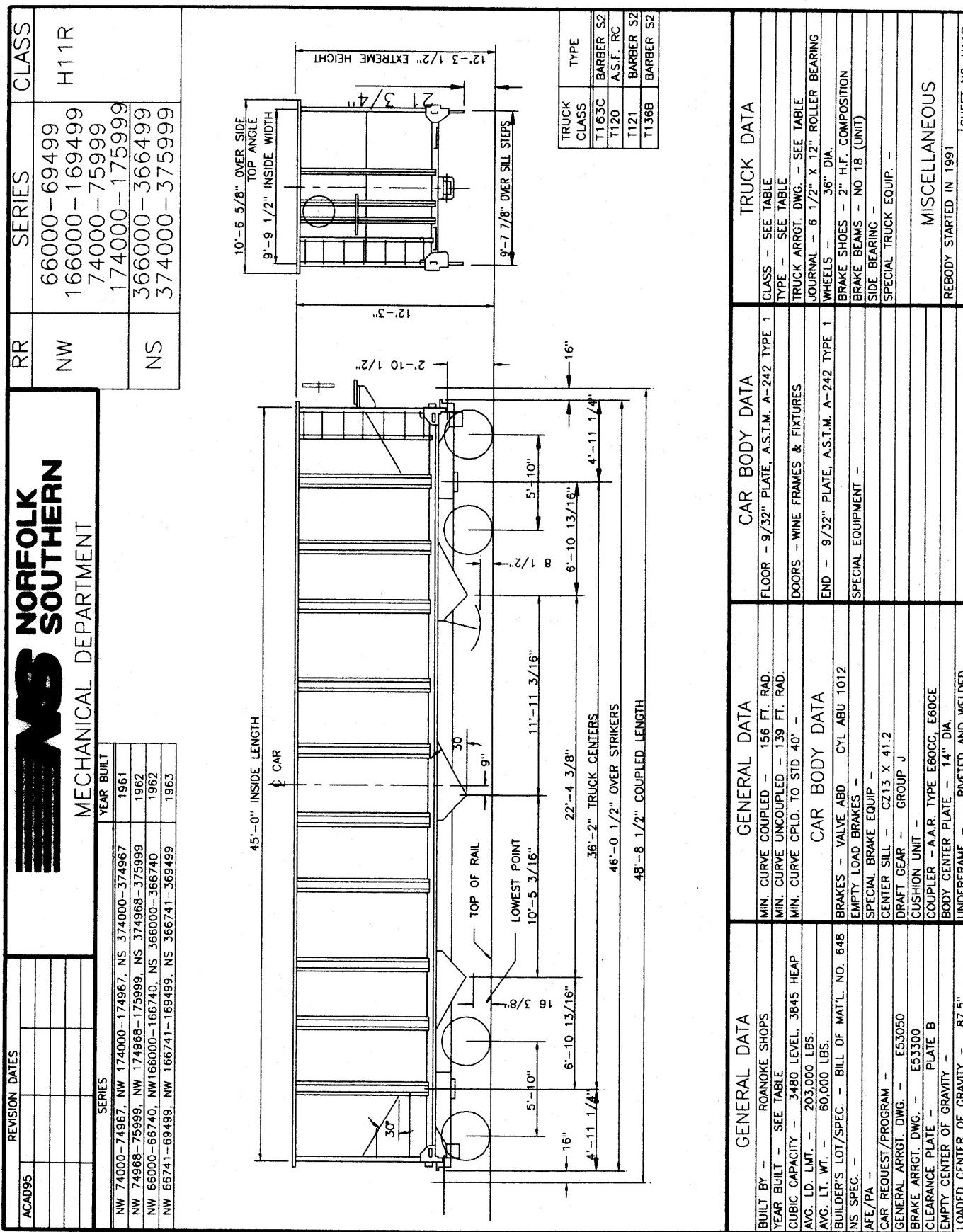
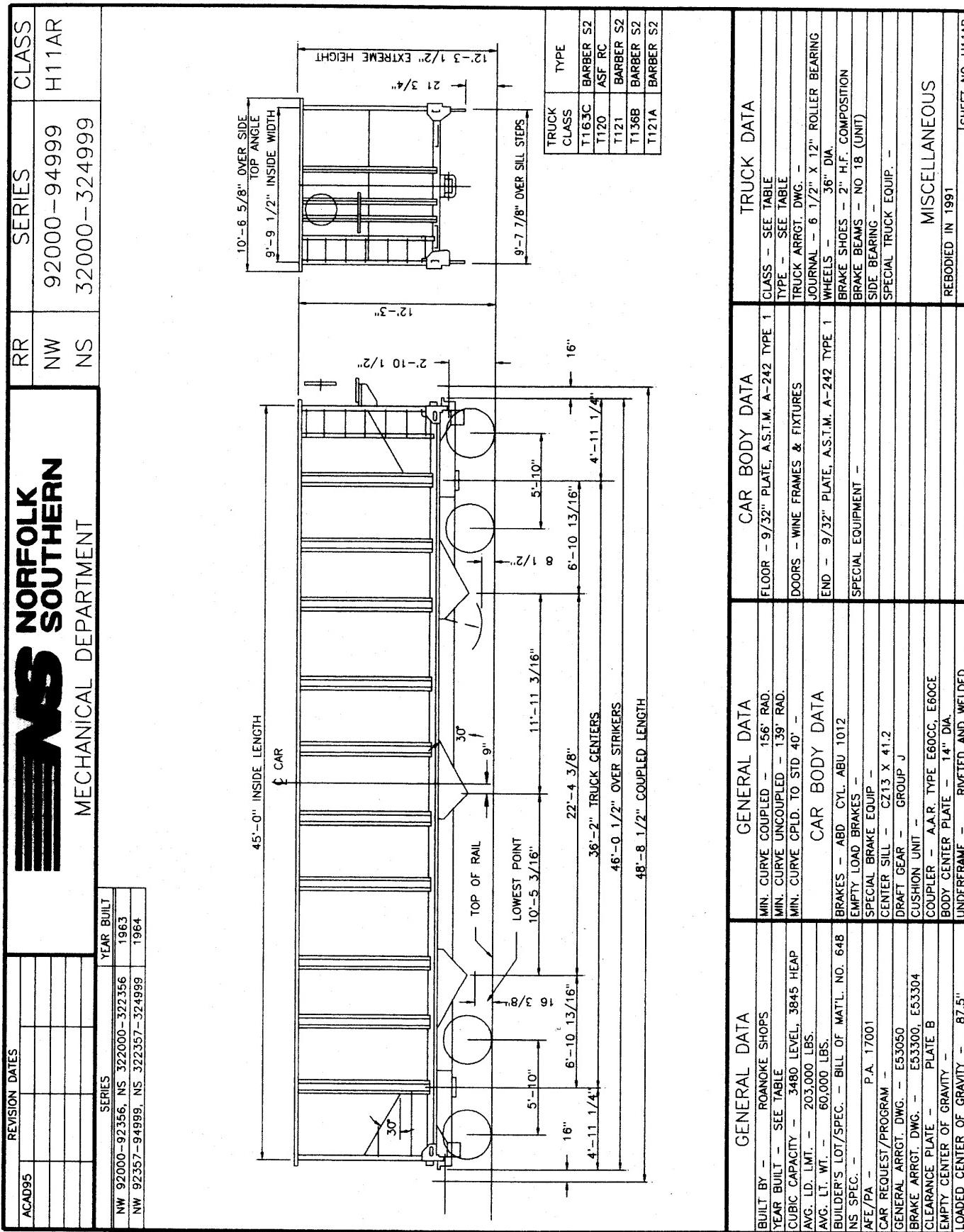
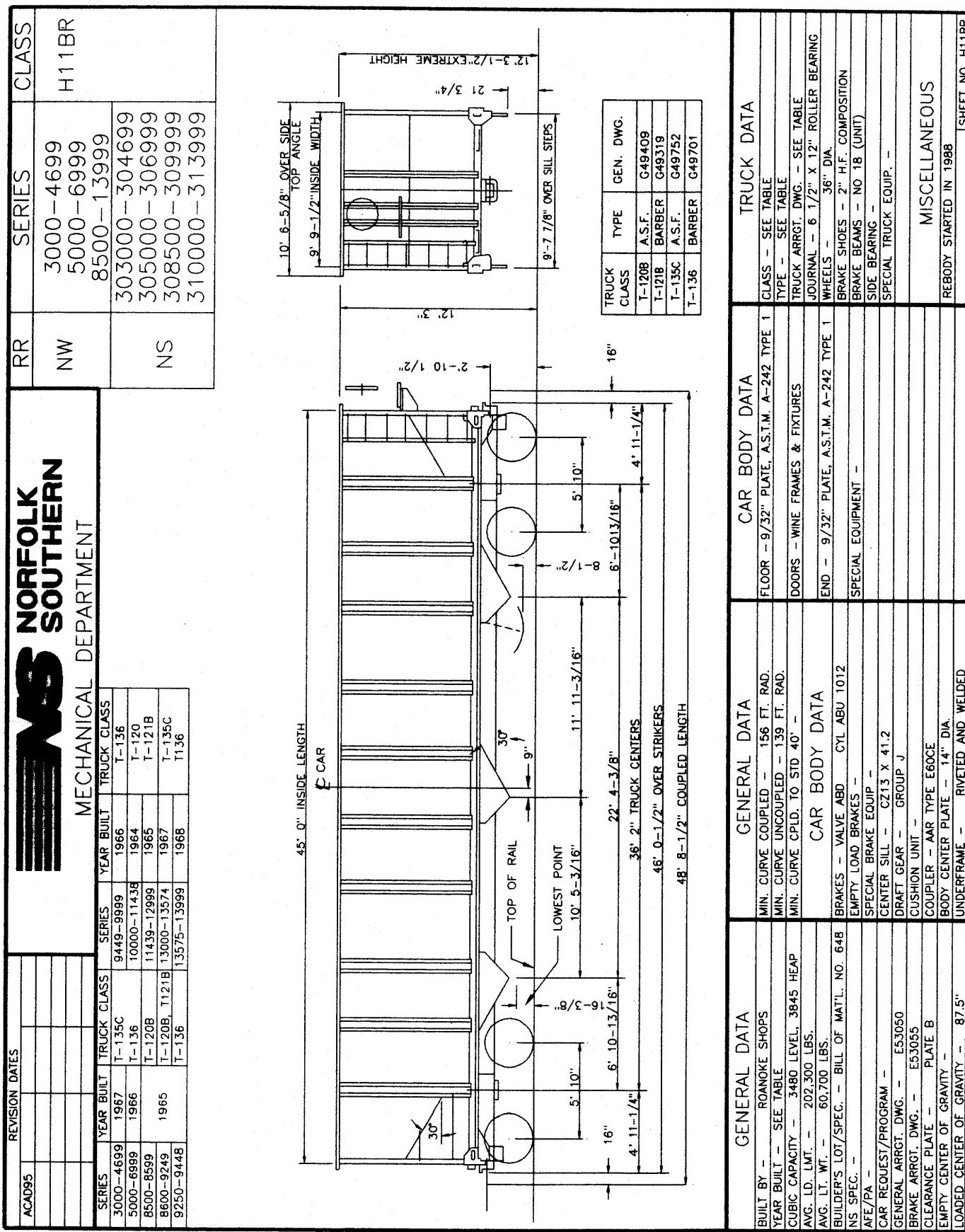
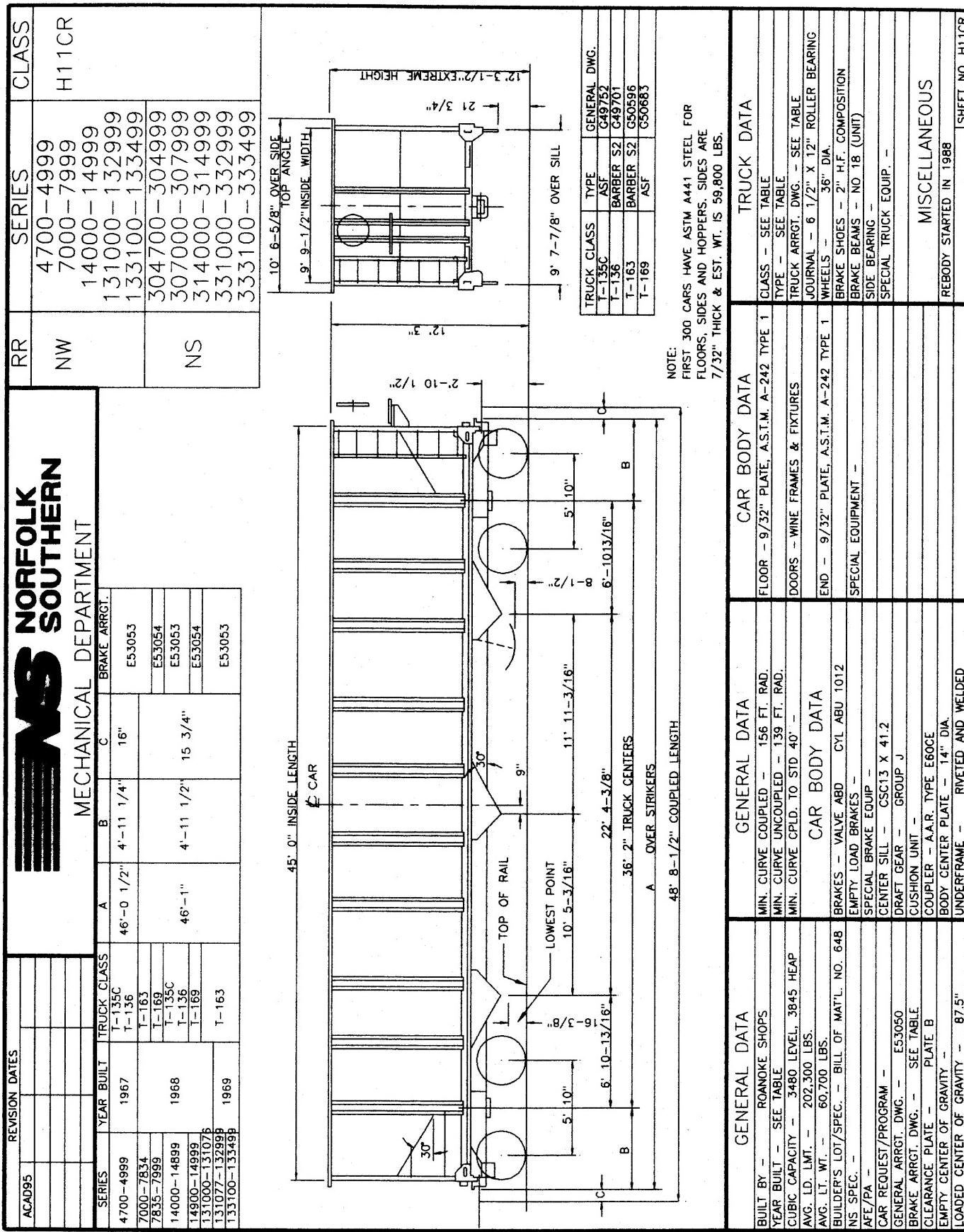
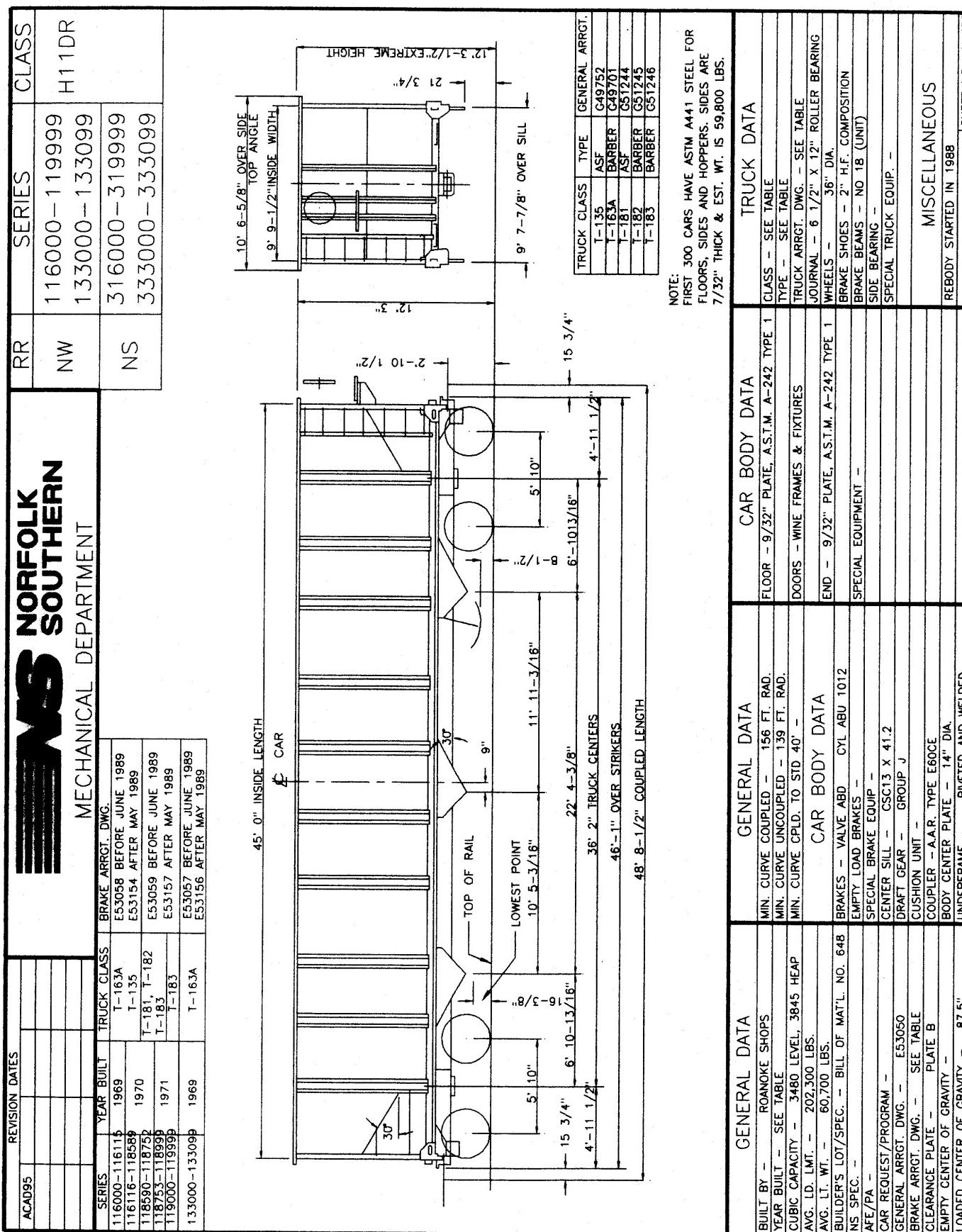


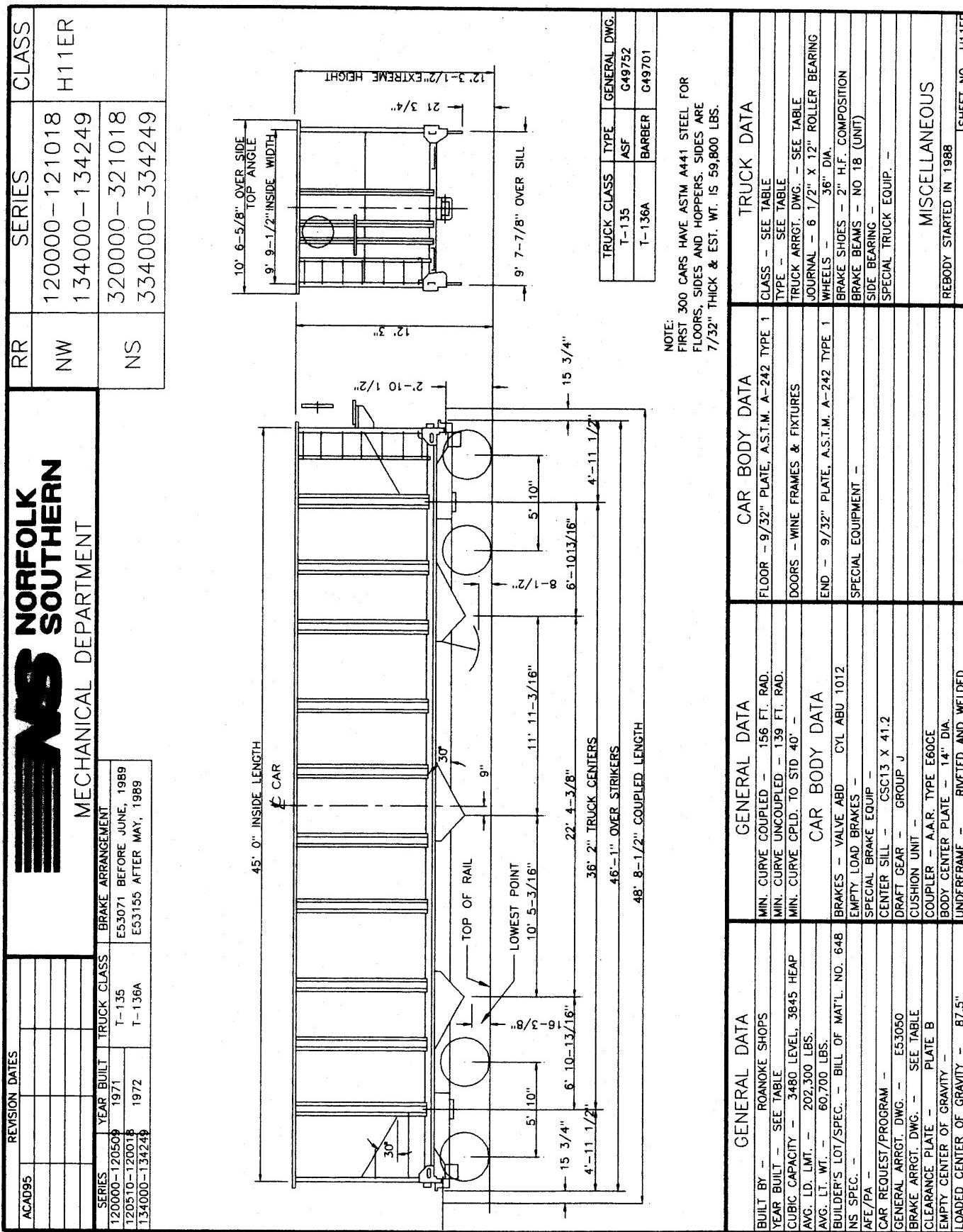
Exhibit B



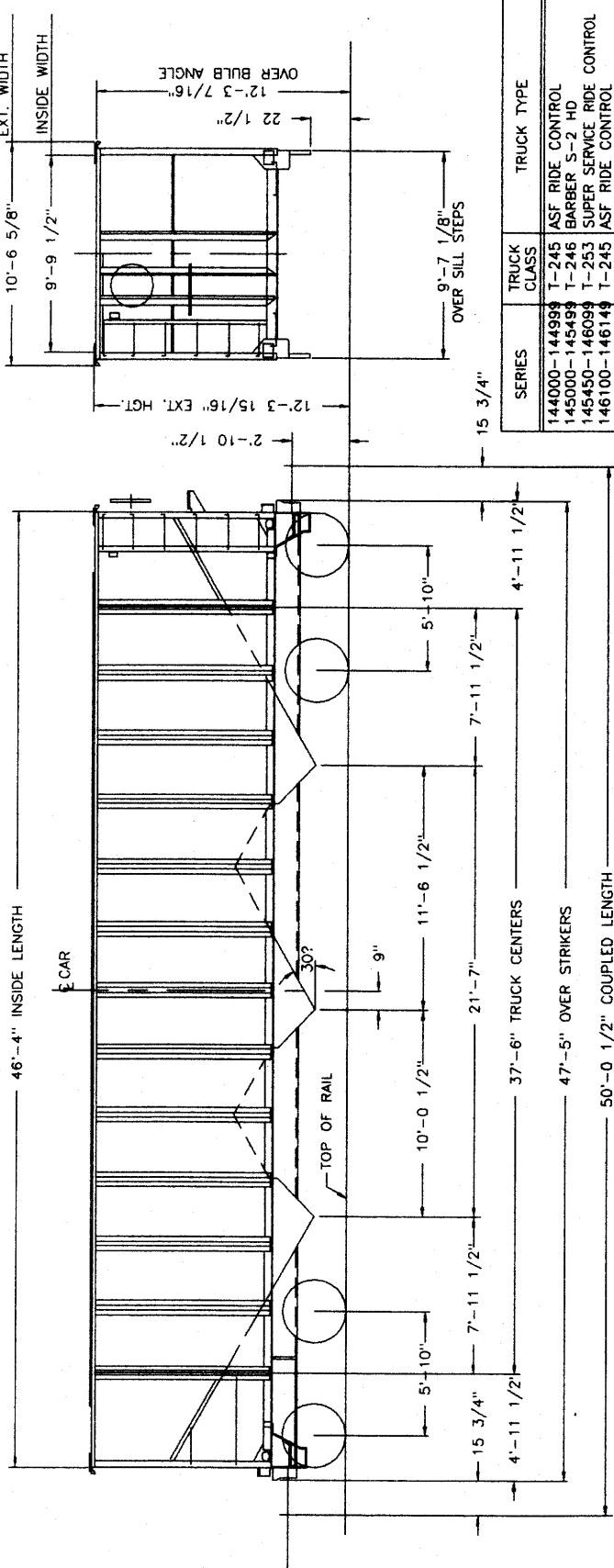


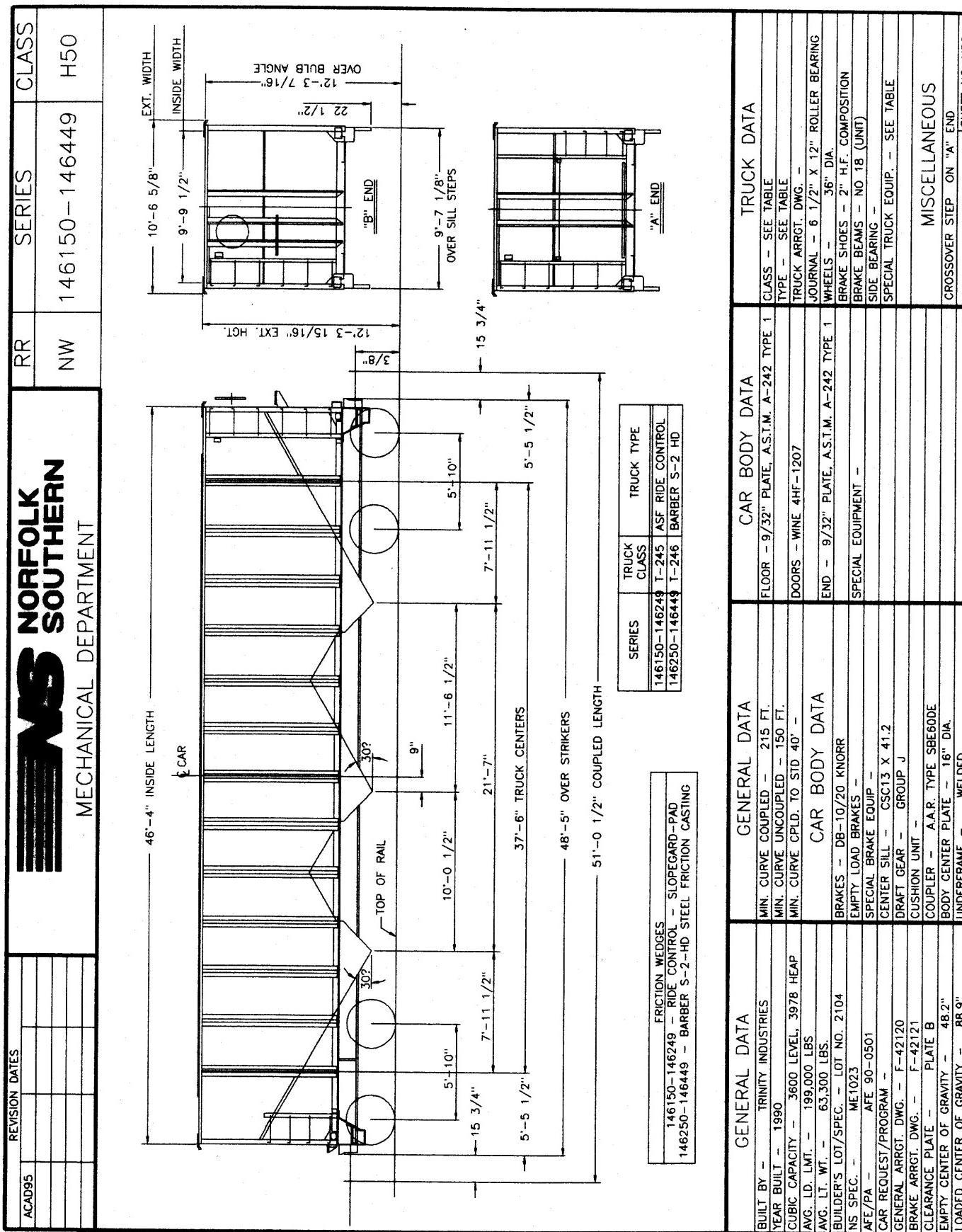


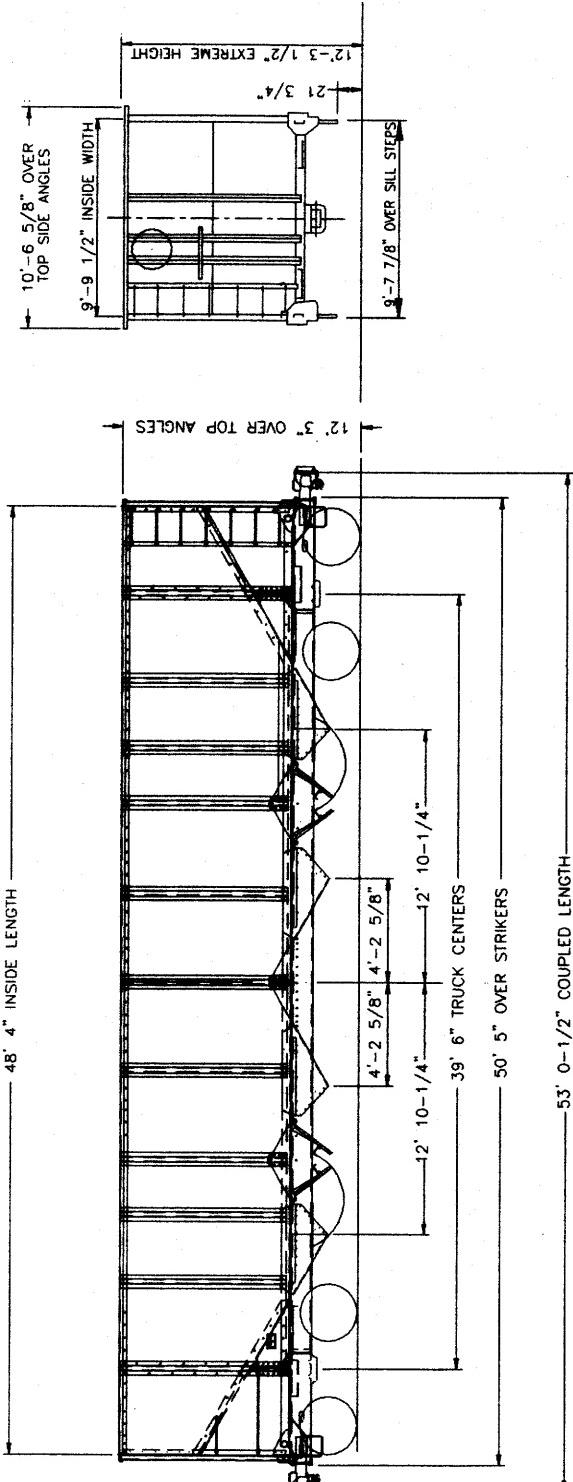




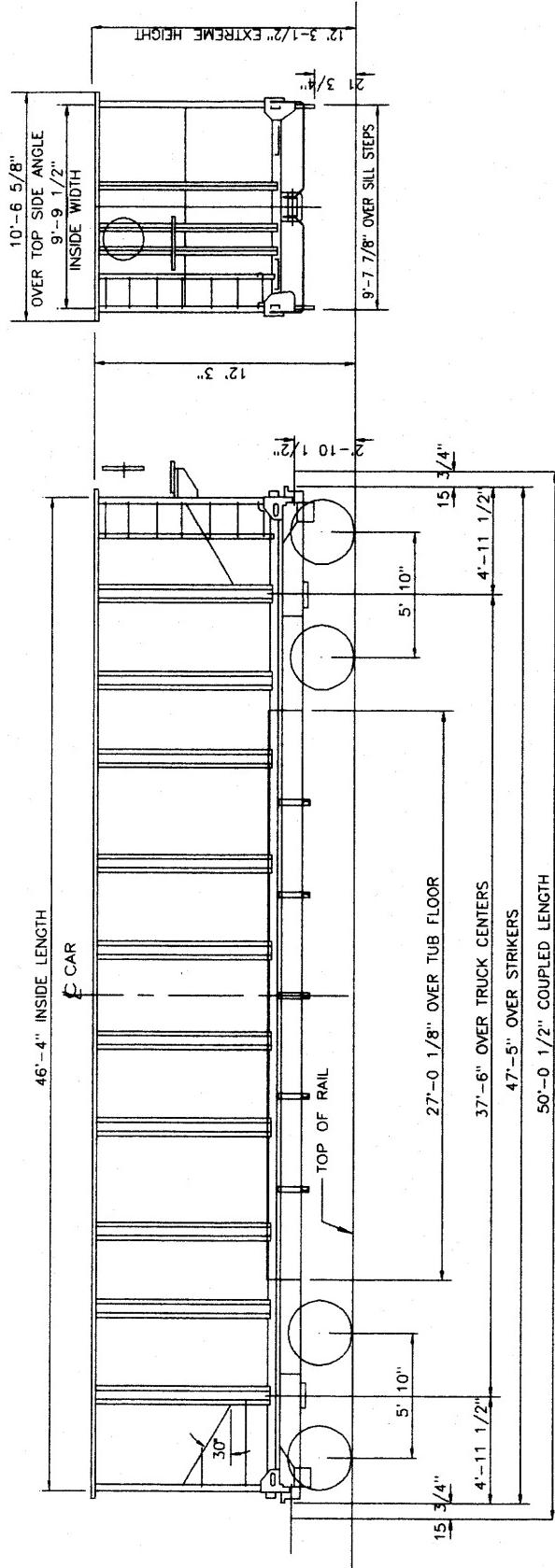
ACAD95	REVISION	DATES	RR	SERIES	CLASS
			NW	144000-146149	H49
NORFOLK SOUTHERN					
MECHANICAL DEPARTMENT					





ACAD R13	REVISION DATES	RR	SERIES	CLASS																																																																								
		NS	300300-302799	H62R																																																																								
 NORFOLK SOUTHERN MECHANICAL DEPARTMENT																																																																												
 <p>The drawing shows a side view of a railcar with various dimensions labeled:</p> <ul style="list-style-type: none"> 48' 4" INSIDE LENGTH 10'-6 5/8" OVER TOP SIDE ANGLES 9'-9 1/2" INSIDE WIDTH 12'-3 1/2" EXTREME HEIGHT 21 3/4" 9'-7 7/8" OVER SILL STEPS 12' 3" OVER TOP ANGLES 4'-2 5/8" 4'-2 5/8" 12' 10-1/4" - 12' 10-1/4" TRUCK CENTERS 39' 6" TRUCK CENTERS 50' 5" OVER STRIKERS 53' 0-1/2" COUPLED LENGTH 																																																																												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">GENERAL DATA</th> <th colspan="2" style="text-align: center;">ARRANGEMENT DWGS.</th> <th colspan="2" style="text-align: center;">MISCELLANEOUS</th> </tr> </thead> <tbody> <tr> <td>BUILT BY -</td> <td>ROANOKE</td> <td>CUBIC CAPACITY -</td> <td>EST. 3830</td> <td>GENERAL ARRGT. DWG. -</td> <td>30 DEG. END SLOPES</td> </tr> <tr> <td>YEAR BUILT -</td> <td>1998-99</td> <td>EMPTY CENTER OF GRAVITY -</td> <td>-</td> <td>UNDERFRAME ARRGT. DWG. -</td> <td>30 DEG. POCKETS</td> </tr> <tr> <td>BUILDER'S LOT/SPEC. -</td> <td>-</td> <td>LOADED CENTER OF GRAVITY -</td> <td>-</td> <td>BRAKE ARRGT. DWG. -</td> <td>30 DEG. TRANSVERSE RIDGES</td> </tr> <tr> <td>NS SPEC. -</td> <td>-</td> <td>CLEARANCE PLATE -</td> <td>-</td> <td>ROOF ARRGT. DWG. -</td> <td>-</td> </tr> <tr> <td>CAR REQUEST/PROGRAM -</td> <td>-</td> <td>MAX. CURVE COUPLED -</td> <td>-</td> <td>DOOR ARRGT. DWG. -</td> <td>-</td> </tr> <tr> <td>CARD LIST -</td> <td>-</td> <td>MAX. CURVE UNCOUPLED -</td> <td>-</td> <td>SIDE ARRGT. DWG. -</td> <td>-</td> </tr> <tr> <td>AFE/PA -</td> <td>97-0052</td> <td></td> <td></td> <td>END ARRGT. DWG. -</td> <td>-</td> </tr> <tr> <td>AVG. LT. WT. -</td> <td>63,600</td> <td></td> <td></td> <td>TRUCK ARRGT. DWG. -</td> <td>-</td> </tr> <tr> <td>CARBODY WT. -</td> <td></td> <td></td> <td></td> <td>STENCIL ARRGT. DWG. -</td> <td>-</td> </tr> <tr> <td>WEIGHT ONE TRUCK -</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>AVG. LD. LMT. -</td> <td>222,400</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					GENERAL DATA		ARRANGEMENT DWGS.		MISCELLANEOUS		BUILT BY -	ROANOKE	CUBIC CAPACITY -	EST. 3830	GENERAL ARRGT. DWG. -	30 DEG. END SLOPES	YEAR BUILT -	1998-99	EMPTY CENTER OF GRAVITY -	-	UNDERFRAME ARRGT. DWG. -	30 DEG. POCKETS	BUILDER'S LOT/SPEC. -	-	LOADED CENTER OF GRAVITY -	-	BRAKE ARRGT. DWG. -	30 DEG. TRANSVERSE RIDGES	NS SPEC. -	-	CLEARANCE PLATE -	-	ROOF ARRGT. DWG. -	-	CAR REQUEST/PROGRAM -	-	MAX. CURVE COUPLED -	-	DOOR ARRGT. DWG. -	-	CARD LIST -	-	MAX. CURVE UNCOUPLED -	-	SIDE ARRGT. DWG. -	-	AFE/PA -	97-0052			END ARRGT. DWG. -	-	AVG. LT. WT. -	63,600			TRUCK ARRGT. DWG. -	-	CARBODY WT. -				STENCIL ARRGT. DWG. -	-	WEIGHT ONE TRUCK -						AVG. LD. LMT. -	222,400				
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SHEET NO H62R																																																																												

NORFOLK SOUTHERN			CLASS
NS	MECHANICAL DEPARTMENT	RR	SERIES
ACAD94	REVISION	DATES	20002-20249
1/8/97			25000-25999
5/5/97			39000-39999
			G85R



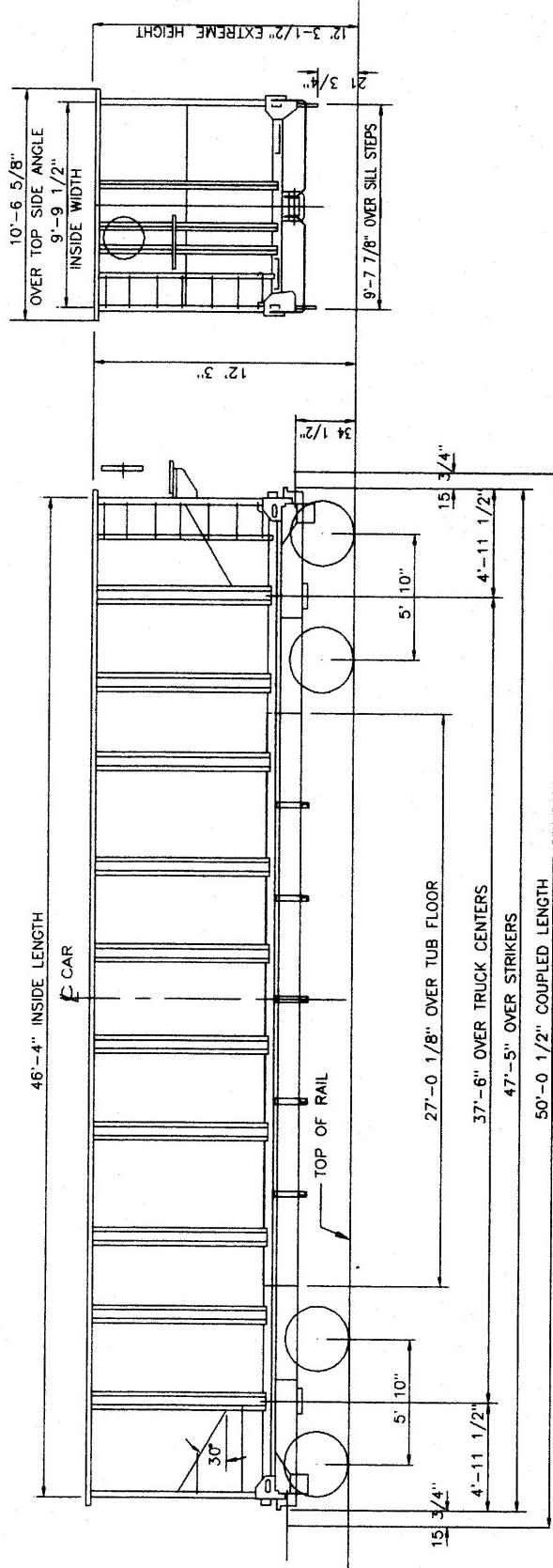
NOTES

1. REBODIED FROM H11, H11A, H11B, H11C, H12A.
 2. FOR INFORMATION ON YEAR BUILT, TRUCKS, ETC., DETERMINE ORIGINAL CAR NUMBER FROM UMLER AND REFER TO ORIGINAL DIAGRAM.

TOP CON

REVISION DATES	
ACAD94	
1/8/97	

NNS
NORFOLK SOUTHERN
MECHANICAL DEPARTMENT



NOTES:

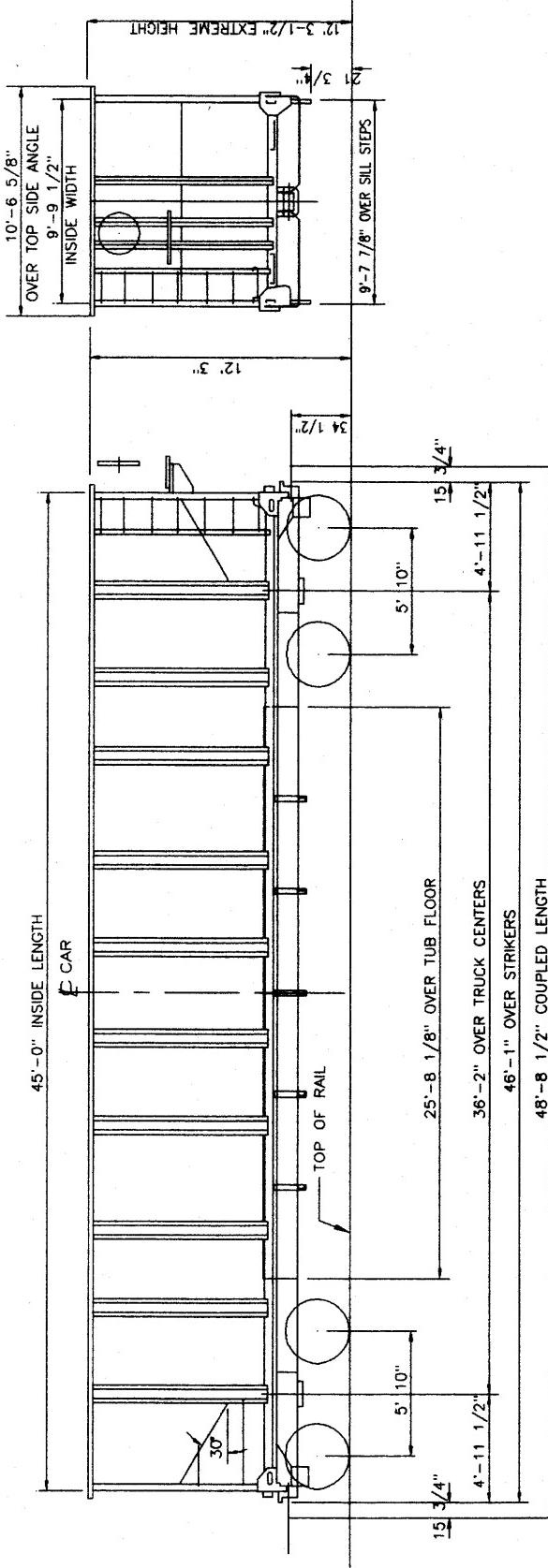
1. REBODIED FROM H11D, H11E, H12.
2. FOR INFORMATION ON YEAR BUILT, TRUCKS, ETC., DETERMINE ORIGINAL CAR NUMBER FROM UMLER AND REFER TO ORIGINAL DIAGRAM.

TOP CON

GENERAL DATA	GENERAL DATA	CAR BODY DATA	TRUCK DATA
BUILT BY - ROANOKE SHOPS	MIN. CURVE COUPLED - 166'	END - 9/32" ASTM A242 TYPE 1	CLASS - SEE NOTES
YEAR BUILT - SEE NOTES	MIN. CURVE UNCOUPLED - 144'	FLOOR - 9/32" ASTM A242 TYPE 1	TYPE - SEE NOTES
CUBIC CAPACITY - 3650 CU. FT.	MIN. CURVE CPLD. TO STD 40' -	CAR BODY DATA	TRUCK ARRGT. DWG. - SEE NOTES
AVG. LD. LMT. - 204,000 LBS.	AVG. LT. WT. - 59,000 LBS.	BRAKES - ABD CYL - ABU 1012	JOURNAL - 6 1/2" X 12" ROLLER BEARING
BUILDER'S LOT/SPEC. -	NS SPEC. -	EMPTY LOAD BRAKES -	WHEELS - 36" Dia.
AFE/PA - VARIOUS	CAR REQUEST/PROGRAM - VARIOUS	SPECIAL BRAKE EQUIP -	Brake Shoes - 2" COMP.
GENERAL ARRGT. DWG. - E53413	CENTER SILL - CSC:3 X 41.2	CENTER TIE ANCHORS -	Brake Beams - AIR NO. 18 (UNIT)
Brake Arrgt. DWG. - E5344	DRAFT GEAR - GROUP J	LADING TIE ANCHORS -	Side Bearing - DOUBLE ROLLER
CLEARANCE PLATE - PLATE B	CUSHION UNIT - COUPLER - E60CE	SPECIAL EQUIPMENT -	Special Truck Equip. -
EMPTY CENTER OF GRAVITY - 48"	BODY CENTER PLATE - 14" OR 16" DIA.	MISCELLANEOUS	
LOADED CENTER OF GRAVITY - 86.7"	UNDERFRAME - RIVETED AND WELDED		SHFTT. NO. G86R

ACD94	RR	SERIES	CLASS
1/8/97	NS	32000-33999	G91R

N.S.
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NOTES:

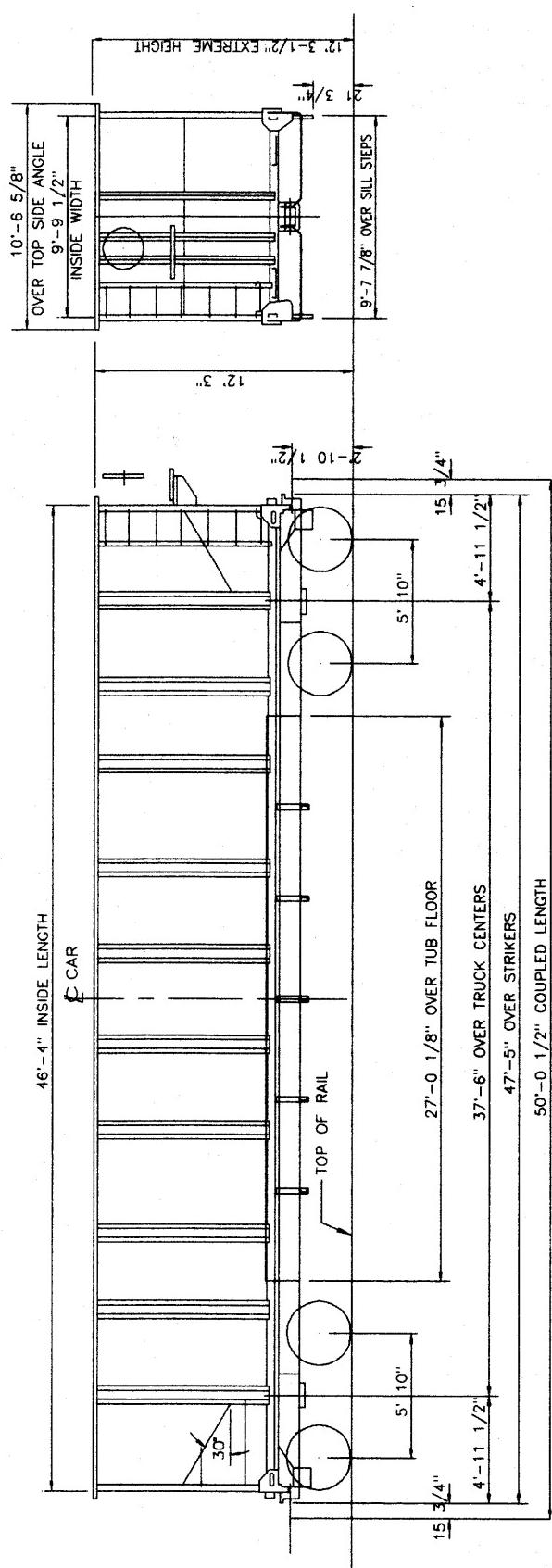
1. REBODIED FROM H11C, H11D.
2. FOR INFORMATION ON YEAR BUILT, TRUCKS, ETC., DETERMINE ORIGINAL CAR NUMBER FROM UMLER AND REFER TO ORIGINAL DIAGRAM.

TOP CON

GENERAL DATA	GENERAL DATA	CAR BODY DATA	TRUCK DATA
BUILT BY - ROANOKe SHOPS	MIN. CURVE COUPLED - 156'	END - 9'32" ASTM A242 TYPE 1	CLASS - SEE NOTES
YEAR BUILT - SEE NOTES	MIN. CURVE UNCOUPLED - 139'	FLOOR - 9'32" ASTM A242 TYPE 1	TYPE - SEE NOTES
CUBIC CAPACITY - 3725 CU. FT.	MIN. CURVE CPLD. TO STD 40° -	JOURNAL - 6 1/2" X 12" ROLLER BEARING	TRUCK ARRGT. DWG. - SEE NOTES
Avg. LD. LMT. - 204,900 LBS.	CAR BODY DATA	WHEELS - 36" DIA.	
Avg. LT. WT. - 58,100 LBS.	BRAKES - ABD CYL - ABU 1012	Brake Shoes - 2" COMP.	
NS SPEC. -	EMPTY LOAD BRAKES -	Brake Beams - AIR NO. 18 (UNIT)	
AFE/PA - VARIOUS	SPECIAL BRAKE EQUIP -	Side Bearing - DOUBLE ROLLER	
CAR REQUEST/PROGRAM - VARIOUS	CENTER SILL - CSC13 X 41.2	LADING TIE ANCHORS - SPECIAL TRUCK EQUIP. -	
GENERAL ARRGT. DWG. - E5345	DRAFT GEAR - GROUP J		
Brake Arrgt. DWG. - E53519	CUSHION UNIT -		
CLEARANCE PLATE - PLATE B	COUPLER - EGOC		MISCELLANEOUS
EMPTY CENTER OF GRAVITY -	BODY CENTER PLATE - 14" DIA.		
LOADED CENTER OF GRAVITY - 87.5"	UNDERFRAME - RIVETED AND WELDED		
			SHEET NO. G91R

REVISION DATES	
ACAD94	
1/8/97	

NORFOLK SOUTHERN
MECHANICAL DEPARTMENT



NOTES:

1. REBODIED FROM HS18, HS19, HS58.
2. FOR INFORMATION ON YEAR BUILT, TRUCKS, ETC., DETERMINE ORIGINAL CAR NUMBER FROM UMLER AND REFER TO ORIGINAL DIAGRAM.

TOP CON

GENERAL DATA	GENERAL DATA	CAR BODY DATA	TRUCK DATA
BUILT BY - ROANOKE SHOPS	MIN. CURVE COUPLED - 66'	END - 9/32" ASTM A242 TYPE 1	CLASS - SEE NOTES
YEAR BUILT - SEE NOTES	MIN. CURVE UNCOUPLED - 44'	FLOOR - 9/32" ASTM A242 TYPE 1	TYPE - SEE NOTES
CUBIC CAPACITY - 3850 CU. FT.	MIN. CURVE CPD. TO STD 40° -	JOURNAL - 6 1/2" X 12" ROLLER BEARING	TRUCK ARRGT. DWG. - SEE NOTES
Avg. LD. LMT. - 227,000 LBS.		WHEELS - 36" DIA.	
Avg. LT. WT. - 59,000 LBS.		BRAKE SHOES - 2" COMP.	
BUILDER'S LOT/SPEC. -	ABD CYL - ABU 1012	BRAKE BEAMS - SEE NOTES	
NS SPEC. -	EMPTY LOAD BRAKES -	SIDE BEARING - DOUBLE ROLLER	
AFE/PA - 96-0425	SPECIAL BRAKE EQUIP -	LADING TIE ANCHORS -	SPECIAL TRUCK EQUIP. -
CAR REQUEST/PROGRAM - 96-0425	CENTER SILL - SEE NOTES	DRAFT GEAR - GROUP J	
GENERAL ARRGT. DWG. -		CUSHION UNIT -	SPECIAL EQUIPMENT -
BRAKE ARRGT. DWG. -		COUPLER - E60CE	
CLEARANCE PLATE - CLEARANCE PLATE -		BODY CENTER PLATE - SEE NOTES	MISCELLANEOUS
EMPTY CENTER OF GRAVITY - 48"		UNDERFRAME - RIVETED AND WELDED	
LOADED CENTER OF GRAVITY - 86.7"			SHEET NO. GSBR